

STATEMENT

OF

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BEFORE THE

**UNITED STATES SENATE
SELECT COMMITTEE ON INTELLIGENCE**

AND THE

**UNITED STATES HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE ON INTELLIGENCE**

REGARDING

**INFORMATION SHARING AFTER THE TERRORIST ATTACKS OF
SEPTEMBER 11, 2001**

**TUESDAY, OCTOBER 1, 2002
216 HART SENATE OFFICE BUILDING
2:00 PM**

I thank you for this opportunity to testify before you today, and I am eager to assist you in your inquiry into the performance of the U.S. Intelligence Community in regards to the September 11, 2001, terrorist attacks on the United States. In particular, I want to add to your understanding of the role the Immigration and Naturalization Service (INS) plays in the collection, analysis, and dissemination of terrorist-related information.

Within hours of the attacks on the Pentagon and World Trade Center, Immigration agents across the country worked to support the FBI in pursuing hundreds of leads, as well to respond to requests for assistance from local law enforcement agencies. INS Special Agents in our Headquarters National Security Unit and officers from the Intelligence Division collaborated closely with U.S. intelligence. Within a week of the attacks, the INS had over a thousand agents, fully half the total investigative staff, committed to the September 11 investigation and related counter-terrorism work. Months later, the INS Forensic Document Lab helped confirm the identity of "shoe bomber" Richard Reid.

The primary jurisdiction over counter-terrorism activities rests with other agencies, most notably the FBI domestically and the CIA and State Department overseas. However, as a result of our exclusive authority to enforce U.S. immigration laws, the INS works diligently to ensure that our counter-terrorism responsibilities are fulfilled.

The enforcement of immigration laws both requires and generates a considerable amount of information that can be used to identify, detect, and apprehend suspected terrorists and their supporters. For instance, each year, INS conducts more than 500 million inspections at our ports-of-entry, receives nearly 8 million benefit applications and apprehends over 1.2 million aliens at our borders. Each of these interactions has the potential to generate intelligence. Currently, there are two primary mechanisms in place to facilitate the flow of this critical information to and from INS: computerized "lookout" systems and inter-agency liaison.

INS and other Federal agencies maintain a number of databases that provide detailed, real-time information to U.S. diplomatic officials abroad, officers at ports-of-entry and along the U.S. border and law enforcement officials in the nation's interior. INS is constantly seeking out opportunities to expand the information contained in our databases. As President Bush stressed, when he signed the Enhanced Border Security and Visa Entry Reform Act in May, "We must know who is coming into our country and why they are coming. ... It is knowledge necessary to make our homeland more secure."

Gaining information about those entering the U.S. is a critical intelligence tool. INS has recently deployed a new Student and Exchange Visitor Information System (SEVIS), an Internet-based system that will greatly improve our ability to track and monitor foreign students. By maintaining critical, up-to-date information about foreign students and exchange visitors, and their dependents, SEVIS will enable us to track foreign students in the United States with far greater speed and accuracy. INS began enrolling educational institutions in SEVIS on July 1, 2002, and SEVIS will be mandatory for all institutions admitting foreign students on January 30, 2002.

In October 2001, INS and the Department of State reached an agreement to begin deploying the Department of State's Consolidated Consular Database at U.S. ports-of-entry, which includes nonimmigrant visa information and a photograph of the alien. Because of that cooperation, an alien's photograph is now available in secondary inspection to help determine if an alien engaged in fraudulent conduct. That deployment was completed in January 2002. In Miami, where the Consolidated Consular Database was first installed, INS Inspectors credit the initiative with detecting 108 fraudulent visa holders in the first six months. INS Inspectors using the database in New York caught an alien trying to enter the US on a falsified Russian diplomatic passport. In another instance, a 41-year old man was discovered using the altered visa of a three-year old Brazilian boy.

The Interagency Border Inspection System (IBIS), the primary automated screening tool used by both INS and the U.S. Customs Service at ports-of-entry, offers another excellent example of how these lookout systems function. IBIS provides access to many databases, including the FBI National Crime Information Center (NCIC) and includes lookouts from all branches of INS, the FBI, the Customs Service,

the Department of State, the Drug Enforcement Administration and various other law enforcement agencies. NCIC is the nation's principal automated law enforcement information sharing tool, with more than 650,000 Federal, state, and local officers having on-the-street access to the broad range of information it contains. In addition, IBIS is currently being used to screen applicants in the U.S. for all benefits under immigration laws.

IBIS is supplemented by IDENT, an INS computer system that uses fingerprints to identify aliens our agents and inspectors encounter at U.S. borders. We have successfully integrated "wants and warrants" on foreign-born persons from the NCIC and the FBI into IDENT. As a result, over the past year we have apprehended almost 3,000 aliens wanted for murder, sexual assault and other outstanding criminal charges. With the recent deployment of IDENT to INS offices in the interior, we are now better able to identify criminal aliens residing in the United States.

Another initiative we have undertaken is to expand our knowledge through the National Security Entry-Exit Registration System (NSEERS), which INS began to implement at U.S. ports-of-entry on September 11, 2002. Under NSEERS, INS is fingerprinting and photographing non-immigrant aliens who may potentially pose a national security risk upon their arrival in the United States. In addition, these non-immigrant aliens are required to register periodically with the INS, allowing us to better verify that they are complying with their non-immigrant status.

Information technology also plays a vital role in enhancing our working relations with state and local law enforcement agencies who are the first responders to a crisis. The primary tool used for integrating these agencies into our work is the INS Law Enforcement Support Center (LESC) located in Williston, Vermont. Currently, 46 states are linked to the LESC, with the four remaining states, as well as Puerto Rico, in the process of being linked.

The LESC gives all law enforcement officers around-the-clock access to INS records, as well as a link to the NCIC. When a police officer arrests an alien, the LESC can provide vital information and, if necessary, put the officer in touch with an INS officer in the field. The LESC routinely uses a number of INS-maintained databases, including the National Automated Immigration Lookout System (NAILS).

INS has a longstanding Memorandum of Understanding with the Department of State, under which suspected terrorists and associates are entered into NAILS. This is being done using a dedicated system known as TIPOFF, which is administered by the Department of State. When an INS officer has a "hit", our Lookout Unit is contacted, which in turn notifies the Department of State and the INS National Security Unit (NSU). The NSU ensures that local INS or FBI Joint Terrorism Task Force agents are notified, and appropriate action taken.

This initiative highlights both a major advantage and a major disadvantage INS has in the fight against terrorism. I will begin with the latter. As INS currently has no automated information system authorized for the use, processing, or maintenance of classified information, information that the Intelligence Community provides to Department of State officials for inclusion in TIPOFF must be sanitized before it is uploaded into NAILS. As a result, the information uploaded into NAILS contains no more than names, aliases, and biographic information.

In addition, limits imposed by classification also affects the flexibility of the INS to act on cables it receives from the Intelligence Community because of the absence of a classified infrastructure. Cable traffic received from the Intelligence Community is funneled into the INS Command Center, a component of the Headquarters Intelligence Division, and then is sorted through daily by intelligence analysts and agents. Some information we receive cannot, because of its classification level, be transmitted to the INS field offices in its classified form. Since such cables are frequently time-sensitive, it is a challenge, given our resources, to translate the cable into timely action.

As INS works to better integrate itself with the overall domestic security mission electronically through the expanded use of information technology, the agency is also acting to improve its effectiveness by strengthening its relationship and formal liaison with other agencies. Face-to-face contact with other

agencies, especially when it occurs routinely, can best foster cooperation and coordination in ways that can never be duplicated by employing computer systems and other information technology, no matter how sophisticated it may be.

INS actively participates in a variety of task forces that were established to deal exclusively with terrorism-related issues. Our most extensive direct interaction with other members of the Intelligence Community occurs through our participation in Joint Terrorism Task Forces (JTTF). INS has been a longtime participant in these FBI-led, multi-agency task forces, which are in place in key metropolitan areas nationwide. JTTF agents are a critical component in our national efforts to root out terrorists and their supporters, and they have done much to increase the level of domestic security. INS Special Agents assigned to JTTFs have conducted more than 6,500 joint interviews since September 11, 2001. In general, we have found our participation, which is coordinated through our National Security Unit (NSU), to be extremely beneficial.

INS also participates in the Attorney General directed Anti-Terrorist Task Force (ATTF), recently created within U.S. Attorney's Offices. In one sense, the ATTFs are similar to the Law Enforcement Coordinating Committees set up years ago under the auspices of the U.S. Attorney. They are a consultative mechanism used to bring together top field officers from various law enforcement agencies to discuss pertinent counter-terrorism issues. In another sense, they are quite different in that they can function in a very specific operational manner on selected initiatives, such as the Attorney General's Voluntary Interview program.

On October 29, 2001, as a result of the issuance of a Presidential Executive Order, the Department of Justice created the Foreign Terrorist Tracking Task Force (FTTTF). The INS has provided key personnel to help ensure the mission of the FTTTF: to coordinate federal agencies' efforts to identify potential terrorists attempting to enter or remain in the United States.

In addition to these three initiatives, INS has four full-time special agents from our NSU assigned to the National Security Division at FBI Headquarters and two assigned to the CIA's Counter-Terrorism Center. The INS is equipped to immediately supplement NSU resources when events warrant. For example, immediately following September 11, 2001, the INS dedicated additional investigators and INS attorneys to the NSU.

Perhaps the greatest impediment to enhancing integration and information sharing within the Intelligence Community is resource limitations. As the number of Joint Terrorism Task Force locations have expanded to all Federal Judicial Districts, INS has found it difficult to keep pace. We have roughly 2,000 special agents worldwide. In addition to their counter-terrorism work, these agents are also responsible for combating alien smuggling, investigating immigration fraud, identifying employers who have violated immigration laws, and other activities that are an essential part of INS' mission.

With our resources at maximum capacity, it is not surprising that among the challenges facing INS is to thoroughly analyze the information it collects or receives from other agencies. In terms of our anti-terrorism efforts, this may be our greatest challenge. The utility of intelligence information is only as good as our capacity to properly analyze it. Currently, the INS has a cadre of only 200 intelligence officers and analysts worldwide. This small cadre of employees provides a great service to the INS and the other intelligence community and law enforcement agencies. The critical nature of this analytical capability is amplified in light of our limited resources, which we must strategically apply to those who pose the greatest potential threat.

While we recognize all the efforts to improve intelligence analysis and sharing, we also understand that more still needs to be done. INS is deeply committed to that effort. We look forward to working with you to continue providing the American people with the level of security that they demand and deserve.